

FILED
Clerk
District Court

OCT 11 2007

For The Northern Mariana Islands
By _____
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN MARIANA ISLANDS

JOHN S. PANGELINAN

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

Case No. CV-07-0027

**ORDER DENYING
MOTION FOR RECONSIDERATION and
DENYING MOTION FOR WITHDRAWAL
OF ORDER**

THIS MATTER came before the court on September 25, 2007, on the petitioner's motion for reconsideration and withdrawal of the court's order denying his motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence by a person in federal custody.

THE COURT, having considered the petitioner's arguments and having reviewed the record, **DENIES** the petitioner's motion.

Pursuant to Federal Rule of Civil Procedure 60 ("Rule 60"), the court may relieve a party from an order for: "(1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud . . . , misrepresentation, or other misconduct of an adverse party; . . . or any other reason justifying relief from the operation of the judgment."

Petitioner's arguments are not based on evidence withheld from the court due to mistake, inadvertence, surprise, or excusable neglect, or any other justification permitted under Rule 60.

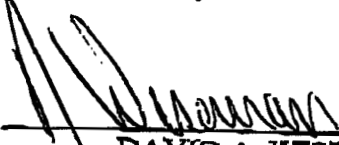
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1 Instead, his justification is that he disagrees with the court's order. Accordingly, the motion is
2 **DENIED.**

3 **IT IS SO ORDERED.**

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5 **DATED** this 1 day of October, 2007.

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9 **DAVID A. WISEMAN**
10 **U.S. District Court Designated Judge**
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